

## Chapter 17.43: Home Occupations

### §17.43.010. Purpose

In order to accommodate entrepreneurial spirit, and respect the purpose of residential areas of the City, the Municipal Council finds and declares a need to accommodate home occupations as uses accessory to residences. Many types of businesses can be conducted at home with little or no effect on the surrounding neighborhood. Businesses in the home are intended to be unintrusive in the neighborhood. Traffic is to be generally the same as conventional homes. The businesses are to be of a compact nature that does not require accessory buildings or additions to the home. The customer traffic that may occur is to be limited and low intensity, similar to the visitors who come to home without businesses. The regulations of this chapter are intended to permit residents to engage in home occupations while enduring that the businesses will not be a detriment to the character and livability of the surrounding neighborhood. It is the Municipal Council's purpose that home occupations remain accessory and subordinate to the permitted residential uses and that the residential viability of the dwelling unit is maintained. Home occupations are intended to be businesses that function within the residence and not business sites within which residential use becomes subordinate.

#### Explanation 17.43.010: Definitions of Home Occupations

##### §17.62.890 Home Occupation

Any activity carried out for gain or requiring a business license by a resident and conducts as a customary, incidental, and accessory use in the resident's dwelling unit. A home occupation is owned and run by a resident of the dwelling in which the business takes place.

##### §17.62.900 Home Occupation – Professional Office

A home occupation consisting of the office of a practitioner of a recognized profession.

### §17.43.020. Applicability

Uses identified in this chapter are allowed as home occupations only in compliance with all the requirements of this chapter. Home occupations are permitted only to be businesses owned and operated by a person for whom the dwelling is a primary residence.

### §17.43.030. Types of Home Occupations

#### A. Family, Child, and Elder Day Care

Day care in a home is not subject to the provisions of this chapter. It is treated as a defined use in the base zoning district.

#### B. Group Living Facilities as a Business

The following group living facilities are commercial land uses within a residential district and subject to the provisions of the base zoning district and other development standards of this Title:

1. Assisted living centers
2. Group living facilities for the elderly
3. Group living facilities for the developmentally disabled
4. Group living facilities for the physically disabled

#### C. Office in the Home

A business which is comprised of an office in the home, consulting services, or service activities that are managed from the home and occur away from the residential property is permitted. Client traffic is regulated by the general provisions of this chapter.

**D. Outside Sales**

Outside sales activities, such as sales of cosmetics, vacuum cleaners, and similar business operated with the proprietor making the transaction at another residence are permitted.

1. Within the Single Family zones (AG, SFL, SFR, SFT), customer traffic to the residence in excess of six customers by appointment per day or 20 per week, shall be as established in the home occupation permit.
2. In the Multi Family zones (MFM, MFH, and MFV), no customer traffic shall be permitted, except an occasional product pick-up or payment.

**E. Demonstration Sales, Sales Parties, and Periodic Group Gathering Activities**

Sales activities requiring a marketing effort comprised of a group gathering on a periodic basis in order to sample or display the product may be permitted as a home occupation. While the intent of this code is to accommodate such activities as a use, it is not the intent of the City to allow such activities to occur on a frequent and regular basis in a residential location. If the City receives repeated and legitimate complaints about the number of gathering activities that are commercially related, the City may impose limitations on the number of gatherings per specified time period.

**F. Real Estate, Insurance, Accounting, Financial Services**

Service businesses involving customer traffic may be based within a residence, provided that the licensee generally meets customers at a location away from the residential property or at the home by appointment only or as specified in the conditional use permit.

**G. Businesses for which a Business License is Not Required**

Businesses for which a business license is not required are not regulated by the provision of this chapter, provided that such uses do not become a public nuisance due to operational characteristics, traffic, noise, or use of hazardous or toxic materials.

**H. Property Owner Approval Required**

All applications for a home occupation permit shall be signed by the property owner. If the applicant for the business license is different than the property owner, the property owner, property owner's designated agent, or property manager shall also sign the application.

**§17.43.040. Home Occupations Within Multi Family (MF) Zones**

Multi Family zones are MFM, MFH, MFV, REC, and any commercial zone in which the home occupation is proposed to take place in a residential unit. Single Family zones are SFL, SFT, and SFR. AG is treated as a single family zone for purposes of this chapter.

**A. Multi Family Attached Dwelling Units**

1. An office in the home is a permitted use,
2. No regular customer traffic shall be permitted,
3. No signs shall be permitted,
4. No onsite employees shall be permitted other than persons residing in the dwelling unit.

**B. Single Family Dwelling Units Located Within MF Zones**

1. A single family detached dwelling unit that is located within a Multi Family zoning district (MF), shall be treated as if it were located in the Single Family Residential (SFR) zoning district for purposes of this chapter when reviewing home occupation permit applications.
2. A single family attached dwelling unit that is located within a Multi Family zoning district (MF) may be approved for a home occupation treated as a detached single family dwelling upon approval of a home occupation permit pursuant to this chapter.

**C. Single Family Attached Dwelling Units Within SF Zones**

A single family attached dwelling unit that is located within a Single Family (SF) zoning district may be approved for a home occupation treated as a detached single family dwelling upon approval of a home occupation permit pursuant to this chapter.

**§17.43.050. General Regulations****A. The Following General Regulations Apply to All Home Occupations:**

1. The business area shall comply with appropriate building code and fire code requirements,
2. If there is more than one employee working within the residence, or if there are to be more than six customers by appointment per day or more than 20 per week, a home occupation use permit shall be obtained pursuant to this chapter,
3. If there is an employee working within the residence or if there is to be regular customer traffic by appointment, the home occupation shall comply with the Americans with Disabilities Act (ADA) under its least restrictive interpretation,
4. The home occupation shall not exceed over 25% of the gross floor area of a residence measured prior to any expansion or remodeling planned for the home occupation,
5. If the home occupation is conducted in an attached or detached garage, the square footage of the accessory building shall not exceed 25% of the square footage of the dwelling, not counting the square footage of the garage,
6. If the home occupation is conducted in a garage, parking shall be provided in conformance with the Logan Municipal Code,
7. Customer parking, if permitted by the provisions of this chapter, may be located on the street, and the business shall take steps to manage customer arrivals and departures to not inconvenience use of or visits to neighboring residential properties resulting from the business' customer traffic.

**Explanation 17.43.050: Definition of Garage****§17.62.790 Garage**

A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents of the residential building...

Note: A former garage that has been converted from an accessory building (example: the garage door has been removed or the building has been divided into rooms) is not considered a garage for purposes of this chapter.

**B. Public Hearings**

A public hearing and home occupation permit shall be required for a home occupation that has more than one employee based at the residence or requires customer traffic by appointment in excess of six persons per day or twenty persons per week.

**§17.43.060. Home Occupation Permit****A. Home Occupation Permit for Permitted Uses**

If the home occupation has no more than one non-resident employee working in the residence, and will not exceed customer traffic thresholds, the Director of Community Development shall issue a Home Occupation Permit by approving the business license application in the same manner as approving any use permitted within a base zoning district.

**B. Home Occupation Permits for which a Public Hearing is Required**

A public hearing before the Planning Commission shall be required for any home occupation which meets the following thresholds:

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1. The home occupation will have more than one non-resident employee based at the residence who is not a resident of the dwelling unit,
2. The home occupation will have customer traffic by appointment in excess of six persons per day or twenty per week,
3. The home occupation has use characteristics that substantially fit the provisions of this chapter, but are found by the Director of Community Development to have the potential to affect neighboring residents. This provision allows a business to be considered by the Planning Commission if it does not clearly qualify as a home occupation that can be approved at the staff level by the Director of Community Development.

C. Home Occupation Permit Application

A home occupation for which a public hearing is required shall apply for a home occupation permit using the provisions of this chapter.

1. The Director of Community Development shall prepare the application forms to obtain the basic information necessary to review the home occupation permit,
2. The application shall require the following information:
  - a. Name, address, daytime phone number of the business owner,
  - b. Address and tax identification number of the subject property,
  - c. Size of the subject property,
  - d. A signature of the property owner, property owner's agent, or property manager if the applicant is not the property owner,
  - e. A copy of the current Recorder's Plat and title abstract or deed,
3. A basic site plan legibly drawn to scale showing the location of the house, driveway, garage, and outbuildings on the property. This site plan may be prepared by the business owner and need not require a stamp from a registered professional,
4. A written description of the business and its operational characteristics. This shall include whether or not there is a proposed employee who is not a resident of the dwelling, number of customers, and method of transactions if goods or services are to be exchanged.

D. Hearing and Notice

1. Upon receipt of a complete application meeting the standards of this chapter and the administrative process, the Director of Community Development shall schedule the application for a public hearing not less than ten days prior to the Planning Commission meeting,
2. At least seven days prior to the hearing, the Director shall cause to be placed in the US mail, first class postage pre-paid, a written notice of the time, date, and place of the hearing along with a copy of the application and site plan, to all property owners within 300 feet of the perimeter boundaries of the subject property,
3. The Director of Community Development shall cause to be prepared a staff memorandum that summarizes the details of the project and provides an analysis and recommended conditions and findings for the home occupation permit. The Director may recommend approval, approval with conditions, or denial of the proposed application for a home occupation permit,
4. The Planning Commission shall hold a public hearing and consider the staff report, information provided by the proponent, and information from any interested party;
5. Following the public hearing, the Commission shall by majority vote of the members present, approve, conditionally approve, or deny the application. The Commission shall adopt findings to support its action. If the Commission requires additional information, it may continue the matter to a future meeting date. The policy of the Municipal Council is to avoid continuing hearings when possible for home occupations.

E. Record of Decision

Following the Commission's action, the Director of Community Development shall cause to be prepared a Record of Decision which shall be executed by the business owner and maintained on file with the Department of Community Development. The Record of Decision for a home occupation shall not be recorded with the County Recorder. A copy shall be mailed to the property owner if different from the business owner. If identified in the application, a copy of the Record of Decision shall also be mailed to the property owner's agent or property manager.

**§17.43.070. Uses Not Identified**

The regulations of this chapter establish performance standards for home occupations. Uses that comply with all of the standards of this chapter may be permitted as home occupations unless specifically prohibited in this Title.

**§17.43.080. Prohibited Uses and Operational Characteristics**

A. Walk-in, Impulse, or Drop-in Customer Traffic

Any business which requires walk-in, unrestricted, or impulse customer traffic to regularly go the residence in order for the business to financially succeed shall be prohibited as a home occupation. The seasonal businesses identified in §17.43.160.

B. Customer Traffic By Appointment

The Planning Commission may impose limitations on the number of customer appointments per day on the basis of available parking, street access, home business location, or other site specific factors.

C. Vehicle and Large Equipment Repair

Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to a vehicle and/or its parts is prohibited.

D. Dispatch Centers

Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

E. Animal Treatment, Training, Care, or Boarding Facilities

Any business requiring more than one customer at a time to bring an animal to the residential property in which the business is located is prohibited. Animal treatment, training, or boarding facilities shall not be permitted as home occupations. This includes animal training singly or in groups, animal hospitals, kennels, stables and all other types of animal boarding facilities. A business that is exclusively animal grooming is not subject to the provisions of this subsection.

**§17.43.090. Signs**

Signs are limited to a single sign, not larger than two square feet, which is mounted on the building. No sign shall be illuminated. No banners, window signs, posters, flags, exterior lighting or other attention getting devices shall be permitted. Signs shall not be painted in or on windows, and shall not be mounted in a window. Signs shall not be freestanding. No signs are permitted in the Multi Family (MF) zoning districts.

**§17.43.100. Business Licenses**

Business licenses shall be required for home occupations in conformance with the provisions and penalties of the Logan Municipal Code.

**§17.43.110. Exterior Appearance**

There shall be no change in the exterior appearance of the dwelling unit in which the home occupation is located or the site upon which the business is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving required setbacks, or adding commercial exterior lighting. There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot, except for the sign permitted by this chapter. Exterior storage or display of goods or equipment is prohibited, except for seasonal businesses as permitted in §17.43.160.

**§17.43.120. Operational Impacts**

No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. Hazardous substances may be subject to additional restrictions based on proposed quantities, available storage, use, or disposal. No exterior storage shall be permitted, although storage may occur in an accessory building, provided that the accessory building shall not be larger than 25% of the residence footprint, not including garage.

**§17.43.130. Trucks and Vehicles**

No truck larger than a passenger two-ton pick-up truck or van may be parked overnight at the site of a home occupation. The Planning Commission may issue a conditional use permit, or the Director of Community Development may impose limitations of the parking of fleet vehicles at a residential lot when a home occupation permit has been issued. The intent of this section is that while recognizing that some businesses may own, lease, or operate more than one vehicle, the residential site shall not become the parking lot and storage area for the business.

**§17.43.140. Deliveries**

Vehicles used for delivery and pickup are limited to those normally servicing residential neighborhoods. A home occupation shall not require more than two trips per week by a commercial tractor-trailer vehicle.

**§17.43.150. Home Occupations Performance Standards****A. Retail Sales**

Retail sales of goods may be conditionally permitted from residential properties if the business can function without requiring “drop-in” or unscheduled customer traffic. A conditional use permit is not required if the business operates in such a manner that sales orders are placed or transactions generated at the subject property, but customer delivery or pickup occurs elsewhere. An example of this would be a business such as Amway, Avon, or Mary Kay Cosmetics, where customers call the representative to order from a catalog and the representative typically delivers the merchandise to the customer at the customer’s home. The Planning Commission may impose conditions to limit the number or customer visits to the business.

**B. Home Occupations and Residential Additions and Accessory Buildings**

1. A home occupation shall not be permitted in an accessory building.
2. An addition to a residence for the purpose of accommodating a home business shall not be permitted.
3. A home business may be located in an existing garage, provided that the area dedicated to the home business is not greater than 25% of the floor area of the house, exclusive of the square footage of the garage.



**§17.43.160. Seasonal Retail Sales****A. Christmas Tree Sales from Residential Dwellings**

Residents of single family dwellings shall be permitted to sell Christmas trees from the property upon which the single family dwelling is located from November 21 through December 25 of a calendar year. A business license shall be obtained in conformance with the requirements for licensing seasonal businesses.

1. Trees shall be located entirely on private property and shall not be displayed within the public right-of-way,
2. Signs shall be a maximum of four feet by four feet single sided. Signs shall be displayed on private property where the trees are being sold,
3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, electric power poles,
4. No signs shall be located off of the property on which the trees are being sold,
5. Signs shall be removed from the yard when the trees are not being offered for sale,
6. No banners, flags, pennants for the tree sales shall be permitted. This restriction does not apply to the regular Christmas lights as may be displayed on the property,
7. Hours of operation of the business shall not exceed 9:00 a.m. until 9:00 p.m.,
8. All Christmas trees shall be removed from the property by December 31 of the calendar year in which the sales of the trees were initiated.

**B. Other Seasonal Sales**

Seasonal sales of items from residential property, such as fruits and vegetables, crafts, or other items grown or created on the property are permitted for a period of time not to exceed four weeks in a calendar year when sales are of a level to require a business license. Seasonal sale items are subject to the provisions of this chapter and the following:

1. Sales areas shall be located entirely on private property and shall not be displayed within the public right-of-way;
2. Signs shall be a maximum of two feet by two feet single sided. Signs shall be displayed on private property where the produce or crafts are being sold;
3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, electric power poles;
4. No signs shall be located off of the property on which the produce or product are being sold;
5. Signs shall be removed from the yard when the produce or products are not being offered for sale;
6. No banners, flags, pennants for the sales shall be permitted;
7. Hours of operation of the business shall not exceed the hours 9:00 a.m. until 9:00 p.m.;
8. All produce or products offered for sale shall be removed at the end of the sales period.

**C. Seasonal Items For Which a Business License is Not Required.**

There are no restrictions on the sales of items from a residence when a business license is not required, provided that there is compliance with the following:

1. Sales areas shall be located entirely on private property and shall not be displayed within the public right-of-way;
2. Signs shall be a maximum of two square feet. Signs shall be displayed in conformance with the provisions of this chapter.
3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, electric power poles;

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4. No signs shall be located off of the property on which the produce or product are being sold;
  5. Signs shall be removed from the yard when the produce or products are not being offered for sale;
  6. No banners, flags, pennants for the sales shall be permitted;
  7. Hours of operation of the business shall be from 9:00 a.m. until 7:00 p.m.
- D. The “Lemonade Stand” Exemption
- The City shall not enforce the provisions of this chapter against a business run by any child age 16 or under that does not require a business license under the provisions of the Logan Municipal Code.